

ENTERED

July 03, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TAMBRIA LEE,

Plaintiff,

VS.

SOUTHWEST AIRLINES COMPANY,

Defendant.

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Civil Case No. 4:21-CV-01901

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the June 6, 2024 Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Peter Bray. (Dkt. No. 114). Judge Bray made findings and conclusions and recommended that Defendant’s Second Motion to Dismiss as Sanction, (Dkt. No. 100), be granted. (Dkt. No. 114).

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). On June 20, 2024, Plaintiff filed three objections. (Dkt. No. 118). First, Plaintiff objected to Judge Bray’s finding of a clear record of delay or contumacious conduct by Plaintiff. (Dkt. No. 118 at 3–5). Second, Plaintiff objected to Judge Bray’s finding that the delay was caused by Plaintiff rather than her attorneys. (Dkt. No. 118 at 6). Third, Plaintiff objected to Judge Bray’s finding that lesser sanctions would be futile. (Dkt. No. 118 at 7).

In accordance with 28 U.S.C. § 636(b)(1)(C), the Court is required to “make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection [has been] made.” After

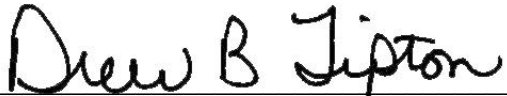
conducting this de novo review, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

The Court has carefully considered de novo those portions of the M&R to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendations for plain error. Finding no error, the Court accepts the M&R and adopts it as the opinion of the Court. It is therefore ordered that:

- (1) Judge Bray’s M&R (Dkt. No. 114) is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court;
- (2) Defendant’s Second Motion to Dismiss as Sanction, (Dkt. No. 100), is **GRANTED**; and
- (3) This action is **DISMISSED WITH PREJUDICE**.

It is SO ORDERED.

Signed on July 2, 2024.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE